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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,941	03/09/2004	John C.W. Ngan	2558	4474

28005 7590 05/26/2006
SPRINT
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

EXAMINER

ZEWARI, SAYED T

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/796,941	NGAN, JOHN C.W.	
	Examiner	Art Unit	
	Sayed T. Zewari	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

DETAILED ACTION

2. Applicant's arguments with respect to claim 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (US 6,658,264) in view of Mauney et al. (US 6,484,027).
5. With respect to claim 1, Irvin discloses a wireless telephone with selectable transmission modes for a call from said wireless telephone to a remotely-located receiver, said selectable transmission modes comprising a first wireless communication mode and a second wireless communication mode (**See Irvin's abstract, col.2 lines 42-62, lines 64-67, col.3 lines 1-11, lines 12-27, col.4 lines 7-9**), said telephone comprising: a user interface for user input of a dialing string for initiation of said call (**See Irvin's figure 2(272), col.5 lines 33-36**); a first transceiver for communication in

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accordance with said first communication mode (**See Irvin's abstract, col.2 lines 42-62, col.2 lines 64-67, col.4 lines 1-11, col.4 lines 17-36, figure 2(210), col.5 lines 7-14, col.9 lines 26-27**); a second transceiver for communication in accordance with said second communication mode (**See Irvin's abstract, col.2 lines 42-62, col.2 lines 64-67, col.4 lines 1-11, col.4 lines 17-36, figure 2(220), col.5 lines 7-14, col.9 lines 26-27**); and a memory (**See Irvin's figure 2(260), col.5 lines 25-27**) storing software (**See Irvin's figure 5, col.5 lines 46-51, col.6 lines 58-62, col.7 lines 31-67, col.8 lines 1-49**) for responsively selecting said first transceiver or said second transceiver for said call depending solely on the content of said dialing string (**See Irvin's figure 4, col.6 lines 66-67, col.7 lines 1-15, lines 16-29 where an indicator is used to select a particular system**). Irvin, however, does not specifically disclose a set of instructions. But Mauney et al. discloses a set of instructions (**See Mauney's figure 3, 22A & 22B, 28, 37, col.9 lines 42-44, col.10 lines 49-52, col.11 lines 13-16, 47-51, col.15 lines 4-10, 28-38**). Therefore, It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Irvin, and include in it two transceivers in such a manner so that their direction communication with another similar unit is free and implemented by a set of instructions, as disclosed by Mauney, thus providing a substantial cost saving as discussed by Mauney (**See Mauney's col.6 lines 8-30**).

6. With respect to claim 6, Irvin discloses in a wireless telephone a method of selecting a transmission mode for a call between said wireless telephone and a remotely located receiver (**See Irvin's abstract, figure 1,2, 4, and 5, col.6 lines 58-67,**

col.7 lines 1-67), said wireless telephone having a first transceiver for communication in accordance with a first communication mode and a second transceiver for communication in accordance with a second communication mode **(See Irvin's abstract, col.2 lines 42-62, col.2 lines 64-67, col.4 lines 1-11, col.4 lines 17-36, figure 2(210, 220), col.5 lines 7-14, col.9 lines 26-27)**, said first communication mode comprising a cellular telephony mode and said second communication mode a non-cellular wireless communication mode **(See Irvin's col.3 lines 12-27, lines 28-41, col.4 lines 17-36, lines 38-46, col.7 lines 9-15)**. Irvin inherently discloses receiving a dialing string from a user of the telephone for initiation of said call **(See Irvin's abstract, figure 2, col. 5 lines 7-51 where Irvin discusses a cellular phone and connectivity)**. Irvin discloses establishing a communications session in accordance with said second communication mode between said wireless telephone and said receiver **(See Irvin's figure 4, col.6 lines 66-67, col.7 lines 1-15, lines 16-29 where an indicator is used to select a particular system)**. Furthermore, Irvin discloses detecting attributes of said dialing string indicating that the user intends the call to be sent in accordance with said second transmission mode; obtaining, either directly or indirectly, solely from said dialing string an identity of the receiver in accordance with said second communication mode. However, Irvin does not specifically disclose a local free communication mode. But Mauney et al. discloses a free local call **(See Mauney's abstract, figure 3, 22A & 22B, 28, 37, col.9 lines 42-44, col.10 lines 49-52, col.11 lines 13-16, 47-51, col.15 lines 4-10, 28-38)**. Therefore, It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Irvin, and include in it

two transceivers in such a manner so that their direction communication with another similar unit is free, as disclosed by Mauney, thus providing a substantial cost saving as discussed by Mauney (**See Mauney's col.6 lines 8-30**).

7. With respect to claim 2 and 7, Irvin discloses an apparatus wherein said remotely located receiver comprises a Bluetooth enabled device and wherein said second transceiver comprises a Bluetooth transceiver (**See Irvin's figure 1A, col.4 lines 17-36, figure 1B, col.4 lines 38-46, lines 50-54**).

8. With respect to claim 3 and 8, Irvin discloses an apparatus wherein said first transceiver comprises a transceiver compliant with a short range standard (**See Irvin's abstract, col.2 lines 39-42, col.3 lines 12-27, col.4 lines 17-36, col.9, lines 28-30, col.10 lines 34, where short range include IEEE 802.11 standard**). Irvin does not specifically disclose an IEEE 802.11 standard. However, official notice is taken that the IEEE 802.11 is a well-known short range standard and thus covered by Irvin's disclosure.

9. With respect to claim 5, Irvin disclose an apparatus wherein memory further stores a data structure associating dialing string to Bluetooth user ID numbers (**See Irvin's figure 2(260), col.5 lines 25-27, figure 4(420), col.6 lines 58-67, col.7 lines 1-29**).

10. With respect to claim 10, Irvin discloses that his mobile device contains memory which is used to store the alias records. This alias record includes an alphanumeric field, and a first calling number corresponding with a first mode of communication and a second number corresponding with the second mode of communication (**See Irvin's**

figure 2(260), col.5 lines 25-27) storing software (See Irvin's figure 5, col.5 lines 46-51, col.6 lines 58-62, col.7 lines 31-67, col.8 lines 1-49, figure 4, col.6 lines 66-67, col.7 lines 1-15, lines 16-29 where an indicator is used to select a particular system).

11. Claim 4 & 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin in view of Mauney as applied to claims 1 and 6 above, and further in view of Malackowski et al.(6,411,803).

12. With respect to claim 4 & 9, Irvin and Mauney do not specifically disclose said dialing string comprises a sequence of alphanumeric characters, and either # or * preceding or following said alphanumeric characters. But Malackowski teaches said dialing string comprises a sequence of alphanumeric characters, and either # or * preceding or following said alphanumeric characters **(See col. 14 lines 40-45)**. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Knauerhase and Girard, and have said dialing string comprises a sequence of alphanumeric characters, and either # or * preceding or following said alphanumeric characters, as discussed by Malackowski, thereby using a standard method of indicating of desired access to a special system, as discussed by Malackowski **(col.1 lines 10-30)**.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sayed T. Zewari

May 23, 2006


NICK CORSARO
PRIMARY EXAMINER